

It was alleged in the libel that the article was misbranded in that the statement "Net Wt. Two Lbs. One Oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On July 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a welfare organization, and that it be relabeled "2 Lbs."

M. L. WILSON, *Acting Secretary of Agriculture.*

22556. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$28. (F. & D. no. 31500. Sample nos. 23141-A, 23142-A.)

This case involved interstate shipments of butter that contained less than 80 percent by weight of milk fat.

On April 14, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 2 and May 9, 1933, from the State of Utah into the State of Nevada, of quantities of butter which was adulterated and misbranded. On May 5, 1934, the information was amended. The article was labeled in part: "Maid O' Clover * * * Butter * * * Manufactured & Distributed by Mutual Creamery Company * * * Salt Lake City, Utah."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the package, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that it was butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by law, whereas it contained less than 80 percent of milk fat.

On May 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$28.

M. L. WILSON, *Acting Secretary of Agriculture.*

22557. Adulteration of butter. U. S. v. Westport Cooperative Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 31490. Sample no. 32003-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Westport Cooperative Creamery Association, a corporation, Westport, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 8, 1933, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated. The article was labeled in part: "Zenith-Godley Co., N. Y."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On May 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22558. Adulteration of butter. U. S. v. Edwin Manz, Walter Kruger, and Herbert R. Schmitt (Paynesville Cooperative Creamery Association). Pleas of guilty. Fine, \$25. (F. & D. no. 31420. Sample no. 11005-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edwin Manz, Walter Kruger, and Herbert R. Schmitt, trading as the Paynesville Cooperative Creamery Association, Paynesville, Minn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 24, 1932, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated. The article was labeled in part: "S. & W. Waldbaum * * * New York."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On May 24, 1934, the defendants entered pleas of guilty to the information, and the court imposed a total fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22559. Adulteration and misbranding of butter. U. S. v. North American Creameries, Inc. Plea of nolo contendere. Fine, \$400. (F. & D. no. 30264. Sample nos. 9498-A, 16404-A.)

This case was based on interstate shipments of butter that contained less than 80 percent by weight of milk fat.

On January 2, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North American Creameries, Inc., a corporation trading at Paynesville, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 21, and September 29, 1932, from the State of Minnesota into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Boxes) "Silverbrook A. & P. * * * Butter Packed for or by New England Butter Whse, Springfield, Massachusetts."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, i. e., a product containing not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On June 25, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$400.

M. L. WILSON, *Acting Secretary of Agriculture.*

22560. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Petition for release denied. Decree of forfeiture. Product delivered to relief association. (F. & D. no. 32416. Sample no. 65677-A.)

This case involved a shipment of potatoes represented to be U. S. Grade No. 1 which were found to be below the grade specified because of excessive grade defects.

On March 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 12, 1934, by J. E. O'Neil from Idaho Falls, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Selected Idaho Three Star Brand Potatoes Packed by O'Neil, Idaho Falls, Idaho."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement "U. S. Number One", borne on the label, was false and misleading and deceived and misled the purchaser.